

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TEVIS IGNACIO,

Plaintiff,

v.

THE U.S. DOLLAR, *et al.*,

Defendants.

3:08-CV-194-BES-VPC

ORDER

Before the Court is plaintiff's Application to Proceed *in forma pauperis* on Appeal (#10) filed October 15, 2008. This action was referred to U.S. Magistrate Valerie P. Cooke pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#15) on November 17, 2008, recommending that this Court enter an order denying plaintiff's application to proceed *in forma pauperis* and certify that plaintiff's appeal is not taken in good faith within the meaning of 28 U.S.C. § 1915(a)(3). Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (Doc #16) on December 1, 2008.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Any party may object to a magistrate judge's case dispositive proposed order, findings, or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* De novo review means the court must

1 consider the matter anew, the same as if it had not been heard before and as if no decision
2 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).
3 Thus, although the district court need not hold a de novo hearing, the court's obligation is to
4 arrive at its own independent conclusion about those portions of the magistrate judge's
5 findings or recommendation to which objections are made. United States v. Remsing, 874
6 F.2d 614, 617 (9th Cir. 1989).

7 After conducting a *de novo* review of the record, the Court accepts and adopts the
8 Magistrate Judge's recommendation (#15).

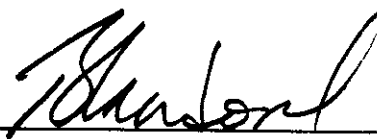
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10 **III. CONCLUSION**

11 IT IS HEREBY ORDERED that plaintiff's application to proceed *in forma pauperis* on
12 appeal (#10) is DENIED.

13 IT IS FURTHER CERTIFIED by the Court that plaintiff's appeal is NOT TAKEN IN
14 GOOD FAITH within the meaning of 28 U.S.C. § 1915(a)(3).

15 IT IS SO ORDERED.

16 DATED: This 4th day of December, 2008.

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23 UNITED STATES DISTRICT JUDGE
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